

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 34 OF 2017

1. Ishwarlal Shivram Gujar,
Age: 65 years, Occ: Agri.,
2. Hirkanbai Anna Gujar,
Age: Major, Occ: Household,
3. Bhausahab Anna Gujar,
Age: Major, Occ: Labour,
4. Kalpanabai Madhukar Jadhav,
Age: Major, Occ: Household,
5. Sarlabai Ishwar Gujar,
Age: Major, Occ: Household,
6. Subhadrabai Natha Gujar,
Age: Major, Occ: Household,
7. Kausalyabai Namdeo Gujar,
Age: Major, Occ: Household,

Petitioner Nos. 1 to 7
R/o. Ozar, Taluka Chalisgaon,
District Jalgaon.

8. Parbhat Walha Gujar,
Age: Major, Occ: Agri.,
R/o. Takli Pra. Cha.
Taluka Chalisgaon,
District Jalgaon.

..APPLICANTS

VERSUS

Narayan Tryambak Gujar,
Age: 71 years, Occ: Agri.,
R/o. Ozar, Taluka Chalisgaon,
District Jalgaon.

..RESPONDENT

(2)

Mr P.S. Shendurnikar, Advocate for applicant;
Mr S.P. Brahme, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th JULY, 2017

ORAL ORDER :

Present application can be conveniently
disposed of with following order.

The order dated 14th July, 2016 passed by
Joint Civil Judge, Junior Division, Chalisgaon is
hereby set aside and it is directed that the said
Court shall decide the issue of limitation afresh
without shifting burden to prove it on the
defendants, as same is contrary to the very scheme
of Code of Civil Procedure and Indian Evidence Act.

2. Civil Revision Application stands disposed
of in above terms.

(N.W. SAMBRE, J.)